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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,139	07/31/2003	Eric Michael Breitung	121277	9469
	7590 12/04/200 ECTRIC COMPANY (	EXAMINER		
C/O FLETCHER YODER			ZERVIGON, RUDY	
	P. O. BOX 692289 HOUSTON, TX 77269-2289		ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			12/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)		
Examiner-Initiated Interview Summary	10/630,139	BREITUNG ET AL.		
Examiner induced meet view Guilliary	Examiner	Art Unit		
	Rudy Zervigon	1792		
All Participants:	Status of Application: <u>Aba</u>	olication: <u>Abandoned</u>		
(1) Rudy Zervigon.	(3)			
(2) Patrick S. Yoder (Voice Mail).	(4)			
Date of Interview: 27 November 2009	Time: <u>10:00</u>			
Type of Interview:  ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant  Exhibit Shown or Demonstrated: ☐ Yes ☐ No ☐ Yes, provide a brief description:	nt's representative)			
Part I.				
Rejection(s) discussed:  Double Patenting Rejections				
Claims discussed: 1-18				
Prior art documents discussed: 10449975				
Part II.				
SUBSTANCE OF INTERVIEW DESCRIBING THE GENER See Continuation Sheet	RAL NATURE OF WHAT WAS	DISCUSSED:		
Part III.				
<ul> <li>It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.</li> <li>It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.</li> </ul>				
***SEE ATTACHED NOTICE OF ABANDONMENT*** /Rudy Zervigon/ Primary Examiner, Art Unit 1792 (A	pplicant/Applicant's Representat	ive Signature – if appropriate)		

**Application No. 10/630,139** 

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner called Mr. Yoder to request an RCE including a terminal disclaimer to overcome the Examiner's BPAI affirmed rejections. As of December 2, 2009, Mr. Yoder did not return the Examiner's phone call or comply with the suggestion. The cited portion of MPEP 804(I)(B) does not address BPAI affirmed rejections as being one of the only pending rejections. Further, the Examiner counters with 37CFR41.54 - "After decision by the Board, the proceeding will be returned to the examiner, subject to appellant's right of appeal or other review, for such further action by appellant or by the examiner, as the condition of the proceeding may require, \*\*\*\*to carry into effect the decision\*\*\*\*.". Thus, the decision by the BPAI is a complete affirmance of the Examiner's rejections. Applicant has not saught the Examiner's suggested course of action within the period for a court review. As a result, the Application is abandoned.